

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

ELIZABETH A. JORDAN, <i>individually</i> <i>and as Administratrix of the Estate of</i> <i>Deceased, Wayne K. Jordan,</i>)	CASE NO. 5:17-cv-02047
)	
Plaintiff,)	MAGISTRATE JUDGE KATHLEEN B. BURKE
v.)	
SUMMIT COUNTY, OHIO)	<u>ORDER</u>
and SUMMIT COUNTY BOARD)	
of COMMISSIONERS, et al.)	
Defendants.)	

In the parties’ December 11, 2018, Joint Status Report, they have requested clarification of the Court’s September 11, 2018, Memorandum Opinion and Order (Doc. 20) (hereinafter “MOO”) as it pertains to whether Defendant Sheriff Barry (“Barry”) remains a party in this case. Doc. 27, pp. 2-3. The Court believes that its MOO is clear. However, in order to assist the parties, the Court states that, as pled in the Complaint and noted in the MOO, Plaintiff’s second cause of action states an official capacity claim for failure to train against Barry and such a claim against a public employee is “equivalent to a lawsuit directed against the public entity which that agent represents.” Doc. 20, p. 5, n. 8 (quoting *Scott v. Clay County, Tenn.*, 205 F.3d 867, 879 (6th Cir. 2000)). As such, Barry remains a Defendant in this case in his official, not his individual, capacity under the second cause of action.

December 28, 2018

/s/ Kathleen B. Burke
Kathleen B. Burke
United States Magistrate Judge